

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

All Cases Noted on Attached Exhibit

MDL No. 2804

Case No. 1:17-md-2804

JUDGE DAN AARON POLSTER

**FIFTH MASTER STIPULATION AND [PROPOSED] ORDER
DISMISSING WITH PREJUDICE CLAIMS
PURSUANT TO NATIONAL SETTLEMENT AGREEMENTS**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel of record for the Plaintiff Subdivisions identified in Appendix A (collectively, the “Dismissing Plaintiffs”) and Defendants McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (collectively and together with their Released Entities, the “Settling Distributor Defendants”¹) that, pursuant to the election of each Dismissing Plaintiff to participate in the Distributor Settlement Agreement, which was announced on July 21, 2021, which is binding on the Dismissing Plaintiffs and the Settling Distributor Defendants, and which has an Effective Date of April 2, 2022 (a copy of which is attached as Appendix B), all claims of each Dismissing Plaintiff against any Settling Distributor Defendants, including any entity identified on the attached Appendix C, are hereby voluntarily **DISMISSED WITH PREJUDICE**, with each

¹ The Released Entities are each and every entity of any of the Settling Distributor Defendants that is a “Released Entity” as set forth in Section I.HHH and Exhibit J of the Distributor Settlement Agreement, dated as of March 25, 2022, a copy of which is attached as Appendix B. Appendix C, also attached hereto, represents a good faith effort by the Settling Distributor Defendants to list all Released Entities that may be individually named in any of the Dismissing Plaintiffs’ complaints. Appendix C is not intended to limit the scope of Released Entities, and to the extent that Dismissing Plaintiffs or Settling Distributor Defendants subsequently identify any Released Entity that should have been included on Appendix C, they will inform the Clerk of the Court.

party to bear its own costs. The Court shall retain jurisdiction with respect to the Distributor Settlement Agreement to the extent provided under that Agreement.

Dated May 17, 2022

Respectfully submitted,

Agreed as to form and substance:

/s/Jayne Conroy
Jayne Conroy
SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016
(212) 784-6400
(212) 213-5949 (fax)
jconroy@simmonsfirm.com

/s/Joseph F. Rice
Joseph F. Rice
MOTLEY RICE LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9000
(843) 216-9290 (Fax)
jrice@motleyrice.com

/s/Paul T. Farrell, Jr.
Paul T. Farrell, Jr., Esq.
FARRELL & FULLER LLC
1311 Ponce de Leone Ave., Suite 202
San Juan, PR 00907
(304)654-8281
paul@farrellfuller.com

Plaintiffs' Co-Lead Counsel

/s/Peter H. Weinberger
Peter H. Weinberger (0022076)
SPANGENBERG SHIBLEY & LIBER
1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114
(216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com

Plaintiffs' Liaison Counsel

**MCKESSON CORPORATION, d/b/a
MCKESSON DRUG COMPANY**

/s/Geoffrey E. Hobart

Geoffrey E. Hobart

Mark H. Lynch

Sonya D. Winner

Christian J. Pistilli

Covington & Burling LLP

One City Center, 850 Tenth Street, NW

Washington, DC 20001-4956

Tel: (202) 662-5097

*Counsel for Defendant McKesson Corporation,
d/b/a McKesson Drug Company*

AMERISOURCEBERGEN CORPORATION

/s/Robert A. Nicholas

Robert A. Nicholas

Shannon E. McClure

REED SMITH LLP

Three Logan Square

1717 Arch Street, Suite 3100

Philadelphia, PA 19103

Tel: (215) 851-8100

Fax: (215) 851-1420

rnicholas@reedsmith.com

smcclure@reedsmith.com

Counsel for AmerisourceBergen Corporation

CARDINAL HEALTH, INC.

/s/Enu A. Mainigi

Enu A. Mainigi

Jennifer G. Wicht

Steven Pyser

Ashley Hardin

WILLIAMS & CONNOLLY LLP

725 Twelfth Street NW

Washington, DC 20005

(202) 434-5000 / tel.

(202) 434-5029/ fax

emainigi@wc.com

Attorneys for Defendant Cardinal Health, Inc.

SO ORDERED this ___ day of May, 2022.

Hon. Dan Aaron Polster
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter H. Weinberger

Peter H. Weinberger